

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Knoll, Joan H. M. et. al.

Serial No. : 10/786,970

Filed: February 24, 2004

SUBTELOMERIC DNA PROBES AND
METHOD OF PRODUCING SAME

Docket No. 30307-CNT1

Confirmation No. 5467

Group Art Unit No. 1634

Examiner: Carla J. Myers

Commissioner of Patents
Alexandra, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.84(a)(2)

Applicants, through their attorneys, hereby petition under 37 C.F.R. 1.84(a)(2) for the submission of color drawings. Applicants assert that the color drawings are necessary as the only practical medium by which to disclose the subject matter sought to be patented. Specifically, the color photographs depict CCD camera images of FISH experiments wherein various gene-specific digoxigenin-dUTP labeled probes were hybridized on metaphase cells and detected with rhodamine conjugated antibody to digoxigenin and where the chromosomes were counterstained with 4,6-dimidino-2-phenylindole (DAPI). Applicants assert that color is required to visualize the probe hybridization depicted in the photographs. Pursuant to this rule, copies of the color photographs are included with this response. Additionally, the Specification has been amended to include the paragraph as required by 37 C.F.R. 1.84(a)(2)(iii) as the first paragraph of the brief description of the drawings.

Pursuant to 37 C.F.R. 1.17(b), the petition fee of \$400 is included herewith. In the event that the foregoing request or fee calculation is incorrect, this Petition should be construed as one for sufficient time to permit timely filing of the present reply. Please charge any underpayment or credit any overpayment to Deposit Account Number 50-1662.

Respectfully submitted,

Polsinelli Shalton Flanigan Suelthaus PC

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